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EXTRAORDINARY

BANGALORE, TUESDAY, FEBRUARY 17, 1948.

NOTIFICATION.

Order No. R. L. 1812—Legis. 32-47-1, dated Bangalore, 17th February 1948.

Ordered that the accompanying Mysore Maintenance of Public Order (Emergency) Act, 1948, which received the assent of His Highness the Maharaja, on the 14th day of February 1948, be published as Act No. XV of 1948, in the *Mysore Gazette* for general information.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

ACT No. XV OF 1948.

THE MYSORE MAINTENANCE OF PUBLIC ORDER (EMERGENCY) ACT, 1948.

(Received the assent of His Highness the Maharaja on the 14th day of February 1948.)

WHEREAS the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action to provide for matters hereinafter appearing :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 31 of the Government of Mysore Act, (XVIII of 1940) ;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Maintenance of Public Order (Emergency) Act, 1948.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Definitions.

2. In this Act unless there is anything repugnant to the subject or context,—

(1) "Code of Criminal Procedure" means with reference to the Retroceded Area, the Code of Criminal Procedure 1898, as applied to that area and continued by the Retrocession (Application of Laws) Act, 1947, and with reference to the rest of Mysore the Code of Criminal Procedure, 1904.

(2) "essential commodity" means food, water, fuel, light, power or any other thing essential for the existence of the community which may be notified in this behalf by the Government in the official Gazette.

(3) "prejudicial act" means any act which is intended or is likely,—

(*a*) to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of, or the performance of their duties by public servants ;

(*b*) to render any public servant incapable of efficiently performing his duties as such or to induce any public servant to fail in the performance of his duties as such ;

(*c*) to prejudice the recruiting of, or the attendance of persons for service in, any of the forces of His Highness the Maharaja or any police force or fire brigade or any other body of persons entered, enrolled or engaged as public servants;

(*d*) to bring into hatred or contempt or to excite disaffection towards His Highness the Maharaja or the Government established by law in Mysore or in the Dominion of, or in any Province in, India;

(*e*) to promote feelings of enmity and hatred between different classes of the subjects of His Highness the Maharaja;

(*f*) to cause fear or alarm to the public or to any section of the public;

(*g*) to impede, delay or restrict the means of transport or locomotion or any work necessary for the supply or distribution of any essential commodity;

(*h*) to cause or produce or to instigate or incite directly or indirectly the cessation of work by a body of persons employed in any place of employment in which fifty persons or more are normally employed except in furtherance of a trade dispute as defined (with reference to the Retroceded Area) in the Trade Disputes Act, 1929, as applied to the said area and continued by the Retrocession (Application of Laws) Act, 1947, or an industrial dispute as defined (with reference to the rest of Mysore) in the Mysore Labour Act, 1942, with which such body of persons is directly concerned;

(*i*) to influence the conduct or attitude of the public or of any section of the public in a manner likely to be prejudicial to public safety or the maintenance of public order;

(*j*) to instigate directly or indirectly the use of criminal force against public servants generally or any class of public servants or any individual public servant.

(4) "prejudicial report" means any report, statement or visible representation, whether true or false, which, or the publishing of which, is, or is an incitement to the commission of, a prejudicial act.

(5) "public servant" includes any public servant as defined in the Indian Penal Code and any servant of any local authority.

(6) "Retroceded Area" means the retroceded area as defined in the Retrocession (Application of Laws) Act, 1947.

Effect of provisions inconsistent with other enactments.

3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

CHAPTER II.

PUBLIC SAFETY AND ORDER.

Control of processions, meetings, etc.

4. (1) The District Magistrate may, for the purpose of securing public safety or the maintenance of public order by general or special order prohibit, restrict or impose conditions upon the holding of or taking part in public processions, meetings or assemblies.

(2) For the purposes of sub-section (1) any procession, meeting or assembly which is open to the public or to any class or portion of the public, whether held in a public or a private place and whether admission thereto is restricted by the issue of tickets or otherwise, shall be deemed to be a public procession, meeting or assembly as the case may be.

(3) If any person contravenes any order made under this section he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Unlawful drilling.

5. (1) The Government may by general or special order prohibit or restrict in any area any such exercise, movement, evolution or drill of a military nature as may be specified in the order.

(2) The Government may by general or special order with a view to securing that no exercise, movement, evolution or drill of a military nature is performed at any place, prohibit, restrict or impose conditions upon the holding of or taking part in any such camp, parade, meeting or assembly, as may be specified in the order.

(3) If any person contravenes any order made under this section he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Official Uniforms.

6. (1) If the Government is satisfied that ;—

(*a*) the wearing in public of any dress or article of apparel resembling any uniform or part of uniform required to be worn by a member of the forces of His Highness the Maharaja or by a member of any official police force or of any force constituted under any law for the time being in force,

(*b*) the wearing or display in public of any distinctive dress or article of apparel or any emblem,

would be likely to prejudice the public safety or the maintenance of public order, the Government may, by general or special order, prohibit or restrict the wearing or display in public of any such dress, article of apparel or emblem.

(2) For the purposes of this section, a dress, an article of apparel or an emblem shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.

Curfew.

7. (1) The District Magistrate whenever it appears to him to be necessary to ensure public safety or the maintenance of public order may by order direct that subject to any specified exemption,—

(*a*) no person present within any specified area shall, between such hours as may be specified, be out of doors except under the authority of a written permit granted by a specified authority or person ;

(*b*) no person within a specified area shall put up any barricade or any obstruction across or in any public road or public place or part thereof.

(2) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to six months, or with fine or with both.

Proclamation of emergency and power of District Magistrates to use force in certain circum-stances.

8. (1) The Government may, if satisfied that the public peace or tranquillity in Mysore or in any part thereof is disturbed, or is likely to be disturbed in consequence of a conflict or apprehended conflict between different communities or sections or factions or gangs, declare by a proclamation (hereinafter referred to as a Proclamation of emergency) in the official Gazette that an emergency exists either in Mysore or in any such part thereof as is specified in the proclamation.

(2) A Proclamation of emergency may, at any time, be revoked by a subsequent Proclamation.

(3) The provisions of this section shall be operative during the continuance of a Proclamation of emergency and in such part of Mysore in which by the Proclamation the emergency is stated to exist.

(4) The cessation of any Proclamation of emergency shall not,—

(*a*) affect any liability incurred under the provisions of this section or any punishment incurred in respect of any contravention of the said provisions or of any order made thereunder;

(*b*) affect any investigation or legal proceeding in respect of any such liability or punishment as aforesaid; and any such investigation or legal proceeding may be instituted, continued or enforced and any such punishment may be imposed as if the provisions of this section had not ceased to be operative.

(5) Subject to the general orders of the Government, the District Magistrate may, if in his opinion it is necessary, by general or special order in writing require any police officer or member of the State forces to use such force as may be necessary even to the causing of death against any person who,—

(*a*) when an order under clause (*a*) of sub-section (1) of Section 7 is in force, is out of doors and fails to halt when challenged by a police officer or a member of the State Forces; or

(*b*) contravenes or attempts to contravene an order under clause (*b*) of sub-section (1) of Section 7; or

(*c*) does or attempts to do or appears to be about to do any such act as would endanger or

damage any property of any description whatsoever which it is the duty of any police officer or a member of the State Forces to protect; or

(*d*) does or attempts to do or appears to be about to do any such act as would render him liable to punishment under Chapter XV or sections 302, 304, 325, 326, 380, 382, 386, 387, 392, 393, 394, 395, 399, 435, or 436 of the Indian Penal Code,

and it shall be lawful for such police officer or member of the State Forces when so ordered to use such force against such person.

(6) The use of force against any person in obedience to an order under sub-section (5) shall include the power to arrest and take into custody such person and the use of such force as may be necessary, even to the causing of death, in order to effect such arrest.

Amendment of Section 3 of Act XII of 1940.

9. In the second proviso to sub-section (2) of Section 3 of the Mysore Public Security Act, 1940, for the words "two months" the words "six months" shall be substituted.

CHAPTER III.

Prevention of Prejudicial Acts and Control of Information.

Prohibition of prejudicial acts, publications and communications.

10. (1) No person shall, without lawful authority or excuse,—

(*a*) do any prejudicial act; or

(*b*) make, print, publish or distribute any document containing, or spread by any other means whatsoever, any prejudicial report.

(2) The author, editor, printer and publisher of, and any person who otherwise makes or produces any prejudicial report and any person who distributes or sells any report of that nature, knowing it to be of such nature, shall be deemed to have contravened this section.

(3) If any person contravenes any of the provisions of this section he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both:

Provided that in any proceedings arising out of a contravention of this section,—

(*a*) in relation to the making or printing of any document, it shall be a defence for the accused to prove that the said document was made or printed, as the case may be,—

(i) before this Act came into force, or

(ii) with the permission or under the authority of the Government, or

(iii) as a proof intended for submission to the Government or to a person or authority designated by the Government in this behalf with a view to obtaining permission for its publication;

(*b*) in relation to the publication of any document it shall be a defence for the accused to prove that the said document was published,

(i) before this Act came into force, or

(ii) with the permission or under the authority of the Government.

Proscription etc., of certain documents.

11. (1) Where in the opinion of the Government any document made, printed or published whether before or after this Act came into force, contains any prejudicial report, the Government may by order,

(*a*) require the editor, printer, publisher or person in possession of such document to inform the authority specified in the order the name and address of any person concerned in the making of such report;

(*b*) provide for the safe keeping of such document and copies thereof by persons in possession thereof;

(*c*) require the delivery of such document and any copy thereof to any authority specified in the order;

(*d*) prohibit the further publication, sale or distribution of such document, or of any extract therefrom or of any translation thereof including, in the case of a newspaper or other periodical, the publication, sale or distribution of any subsequent issue thereof;

(*e*) declare such document and every copy or translation thereof or extract therefrom to be forfeited to the Government.

Explanation.—In this section "document" includes gramophone records, sound tracks and any other articles on which sounds have been recorded with a view to their subsequent reproduction.

(2) Where in pursuance of sub-section (1) any document is required to be delivered to a specified authority, that authority may enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

(3) Where in pursuance of sub-section (1) any document has been declared to be forfeited to the Government, any police officer may seize any copy thereof wherever found and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein such document or any copy thereof, is or is reasonably suspected to be.

(4) Whoever contravenes any order made under this section shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Censorship

12. (1) The Government may, for the purpose of securing the public safety or for the maintenance of public order, by order addressed to a printer, publisher or editor, or to printers, publishers and editors generally,—

(*a*) require that all matter, or any matter relating to a particular subject or class of subjects, shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order;

(*b*) prohibit or regulate the making or publishing of any document or class of documents, or of any matter relating to a particular subject or class of subjects, or the use of any press.

(2) If any person contravenes any order made under sub-section (1), the Government may, without prejudice to any other proceedings which may be taken against such person, declare to be forfeited to the Government every copy of any document published or made in contravention of such order and any press used in the making of such document.

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment

for a term which may extend to three years, or with fine, or with both.

Explanation.—For the purposes of this section "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents.

Dissemination of false rumours.

13. Whoever by words, whether spoken or written or by signs or by visible or audible representations or otherwise makes, publishes or circulates, any statement, rumour or report, which is false and which he has no reasonable ground to believe to be true, with intent to cause or which is likely to cause fear or alarm to the public or to any section of the public, or hatred or contempt towards any public servant or any class of public servants or any class or section of the subjects of His Highness the Maharaja shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Participation in mock funeral ceremony.

14. Whoever with intent to intimidate, insult or annoy any person, or with the knowledge that intimidation, insult or annoyance is likely to be caused to any person, performs or takes part in or abets the performance of any mock-ceremony, resembling any ceremony associated with or consequent upon death, shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Sabotage.

15. (1) No person shall do any act with intent to impair the efficiency or impede the working of or to cause damage to,—

(*a*) any building, vehicle, machinery, apparatus or other property used, or intended to be used, for the purpose of the Government or of any local authority;

(*b*) any railway (as defined in the Mysore Railways Act, 1894) tramway, road, canal, bridge, culvert, causeway, aerodrome, or any telegraph, telegraph line or post (as defined in the Indian Telegraph Act, 1885);

(*c*) any rolling stock of a railway or tramway, or any aircraft;

(*d*) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory.

(2) The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty either to the Government or to any public authority or to any person, to do as they apply to the doing of any act by a person.

(3) If any person approaches, or is in the neighbourhood of any such building, place or property as is mentioned in sub-section (1), in circumstances which afford reason to believe that he intends to contravene that sub-section, he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

Receiving of sabotaged property.

16. (1) If any person dishonestly receives or retains, or voluntarily assists in concealing or disposing of or making away with, any sabotaged property, knowing, or having reason to believe, the same to be sabotaged property, he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

(2) In this section "sabotaged property" means property the possession of which has been transferred by, or in consequence of, any such act as is referred to in sub-section (1) of section 15.

Additional power to declare an association unlawful.

17. (1) If the Government is of opinion that any association is organised or equipped for the purpose of enabling the members of the association to be employed, or is organised or equipped in such manner as to arouse reasonable apprehension that the members of the association may be employed, in usurping the functions of the State Forces or His Majesty's Forces or of any police force or of any force constituted under any law for the time being in force or for the use or display of physical force in furtherance of the common object of the association or for the doing of any prejudicial act, the Government may by notification in the Official Gazette declare such association to be unlawful.

Explanation.—In this section "association" means any combination or body of persons, whether the same be known by any distinctive name or not.

(2) On the issue of a notification under sub-section (1) declaring an association as unlawful, the provisions of the Indian Criminal Law Amendment Act, 1908, as continued in the retroceded area by the Retrocession (Application of Laws) Act, 1947, shall apply with respect to an association in the retroceded area and the provisions of the Mysore Public Security Act, 1940, shall apply to an association elsewhere in Mysore.

Boycotting.

18. Whoever refuses to deal or do business with or to supply goods, or to let a house or land to, or to render any customary service to, any public servant or any person in whom a public servant is interested, or refuses to do so on the terms on which such things would be done in the ordinary course or abstains from such profe-sional or business relation as he would ordinarily maintain with such public servant or person, or threatens such public servant or person with any such refusal or abstention, shall be punishable with imprisonment for a term which may extend to one year or with fine or with both;

Provided that no person shall be convicted under this section if the court is satisfied that his refusal, abstention or threat as aforesaid was not intended to harass the public servant or person affected thereby in the discharge of the duties of his office or employment or to cause him to terminate his services or fail in his duty or commit a breach of discipline.

CHAPTER IV.

Collective Fines.

Impo ition of collective fines.

19. (1) If it appears to the Government that the inhabitants of any area are concerned in, or abetting the commission of, offences prejudicially affecting the public safety or the maintenance of public order, or the production, supply or distribution of any essential commodity or the maintenance of supplies and services essential to the life of the community or are harbouring persons concerned in the commission of such offences or are failing to render all the assistance in their power to discover or apprehend the offender or offenders or are suppressing material evidence of the commission of such offences, the Government may by notification in the official Gazette impose a collective fine on the inhabitants of that area:

Provided that an imposition of a collective fine by any officer or authority to whom the power may have been delegated under this Act may be made by publication of the order imposing the fine in such manner as such officer or authority may consider best calculated to bring the order to the notice of the inhabitants of the area concerned.

(2) The Government or any officer empowered by it in this behalf may, by general or special order exempt any class or section of such inhabitants or any person from liability to pay any portion of such fine.

(3) The District Magistrate after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it, and such apportionment shall be made in accordance with the District Magistrate's judgment regarding the respective means of such inhabitants. An appeal shall lie to the Government from an order of apportionment by the District Magistrate; provided such appeal is preferred within sixty days from the date of such order exclusive of the time required for obtaining a copy of the order.

(4) The portion of such fine payable by any person —

(*a*) shall be treated as a fine imposed by the Magistrate acting as a Court and recoyerd in the manner provided by the Code of Criminal Procedure for the recovery of a fine imposed by a Court:

Provided that the Government may, in liew of the rules referred to in sub-section (2) of section 386 of the Code of Criminal Procedure make rules under this Act regulating the manner in which warrants under clause (*a*) of sub-section (1) of the said section of the said Code are to be executed, and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant; or

(*b*) shall be recovered as arrears of land revenue.

Explanation.—For the purposes of this section the expression "inhabitants of an area" includes persons who themselves or by their agents or servants occupy or hold land

or other immoveable property within such area and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area notwithstanding that they do not actually reside therein.

CHAPTER V.

CONTROL OF ARMS AND EXPLOSIVES.

Carrying and possession of arms and explosives.

20. (1) The Government may, by general or special order, prohibit, restrict or impose conditions on the possession, carrying, use, sale or other disposal of—

(*a*) arms or articles capable of being used as arms;

(*b*) ammunition;

(*c*) substances (hereinafter referred to as explosive substances) which are, or are declared to be explosives within the meaning of the Mysore Explosives Act, 1888;

(*d*) corrosive substances or liquids;

(*e*) any other article or thing capable, in the opinion of the Government, of being used as a weapon of offence.

(2) Without prejudice to any powers conferred by or under any other law for the time being in force,—

(*a*) if any police officer not below the rank of Jamedar or any other public servant authorised by the Government to act under this section, suspects that any arms, articles capable of being used as arms, ammunition, explosive substances, corrosive substances or liquids or any other things or articles capable of being used as weapons of offence are in or upon any land, vehicle, aircraft, building or other premises in contravention of an order made under sub-section (1), he may enter, at any time of the day or night, if necessary by force, and search the land, vehicle, aircraft, building or premises in or upon which he suspects that a contravention of an order made under sub-section (1) has been committed and may seize any arms, articles capable of being used as arms, ammunition, explosive substances, corrosive substances or liquids or other articles

or things capable of being used as weapons of offence found therein or thereon which he suspects to be therein or thereon in contravention of such order;

(*b*) if any police officer or any other public servant authorised by the Government to act under this section suspects that any person is carrying, or is in possession of arms, articles capable of being used as arms, ammunition, explosive substances, corrosive substances or liquids or other articles or things capable of being used as weapons of offence in contravention of an order made under sub-section (1), such officer or other public servant may stop and search or cause to be searched such person and seize any arms, articles capable of being used as arms, ammunition, explosive substances, corrosive substances or liquids or other articles or things capable of being used as weapons of offence possessed or carried by him which such officer or other public servant suspects to be possessed or carried in contravention of such order:

Provided that no female shall be searched in pursuance of the provisions of this section except by a female.

(3) Any arms, ammunition, explosive substances, corrosive substances or liquids or other articles or things seized under the provisions of this section may be destroyed or otherwise disposed of as may be ordered by the Government.

(4) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

Manufacture and transport of explosives and dangerous articles.

21. (1) The Government may, as respects any premises used for producing, treating, handling or keeping any explosives or petroleum or any other substance to which any of the provisions of the Mysore Explosives Act, 1888 or of the Mysore Petroleum Act, 1942, or of the Indian Explosives Act, 1884, or of the Petroleum Act, 1934, as the case may be, apply, or may be applied, by order make provision for the safety of persons and property in, or in the vicinity of, such premises; and by

any such order may authorise the searching of persons, entering, or seeking to enter, or being within or leaving or seeking to leave any premises to which the order applies:

Provided that no female shall be searched in pursuance of such order except by a female.

(2) The Government may by order make, in relation to the conveyance on vehicles of any description of any such articles or substances as are mentioned in sub-section (1), such provision as may appear to be necessary or expedient for the protection of persons or property against danger arising from, or in connection with, such conveyance.

(3) If any person contravenes any order made under this section he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

CHAPTER VI.

CONTROL OF ROAD TRANSPORT.

Power to prohibit or regulate the use of vehicles or animals.

22. (1) In this section:—

(*a*) 'vehicle' means any vehicle used or capable of being used for the purpose of road transport;

(*b*) 'animal' means any animal used or capable of being used for the transport of persons or goods.

(2) If, in the opinion of the District Magistrate, it is necessary for the public advantage so to do, he may by order in writing,—

(*a*) regulate, restrict or prohibit the use upon any road of any vehicle or animal,

(*b*) require any vehicle as a condition of use to carry a permit issued by him containing such conditions as he may think fit,

(*c*) require any person owning or having in his possession or under his control any vehicle or animal to comply with any directions contained in the order as to the management or use thereof, or to place the vehicle or animal at the disposal of the District Magistrate or of any person specified in the order, either

absolutely or by way of hire and either for immediate or future use.

(3) The District Magistrate may cancel any permit issued by him, and may impound or take possession of any vehicle which is being or has been used without the permit necessary as a condition of use, or in contravention of any order made under sub-section (2) or of any condition attached to any permit issued by him.

(4) The District Magistrate may,—

(*a*) require accommodation to be provided on any vehicle for any passengers or goods and, for this purpose, exclude from such vehicle any passengers or goods which it is already carrying or about to carry;

(*b*) require that any specified persons or classes of persons or persons proposing to travel to specified destinations, or any specified goods or classes of goods consigned to specified destinations, shall not be carried on any vehicle or animal;

(*c*) exclude or eject any passenger from any vehicle or prohibit the use by any specified person or class of persons of any specified road, or specified vehicle or specified animal.

(5) The District Magistrate may, by order in writing, regulate or prohibit the sale, supply, delivery or use of motive fuel, oil or accessories intended for motor vehicles.

CHAPTER VII.

SUPPLEMENTAL.

Power to obtain information.

23. (1) Without prejudice to any special provisions contained in this Act, the Government or the District Magistrate may by order require any person to furnish or produce to any specified authority or person any such information or article in his possession as may be specified in the order, being information or article which the Government or the District Magistrate, as the case may be, considers it necessary or expedient in the interests of the public safety or interest to obtain or examine.

(2) If any person fails to furnish or produce any information or article in compliance with an order made

under sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

False statements.

24. If any person when required by or under any of the provisions of this Act to make any statement or furnish any information makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true, in any material particular, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Power to delegate.

25. The Government may by order direct that any power or duty which under any of the provisions of this Act is conferred or imposed upon the Government, shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority subordinate to it.

Publication, affixation and defacement of notice.

26. (1) Save as otherwise expressly provided in this Act, every authority, officer or person who makes any order in writing in pursuance of any provision thereof shall, in the case of an order:

(*a*) of general nature or affecting a class of persons, publish notice of such order by notification in the Official Gazette or in such manner as may, in the opinion of such authority, officer, or person, be best adapted for informing persons whom the order concerns;

(*b*) in the case of an order affecting an individual, corporation or firm in the Retroceded Area serve or cause the order to be served in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), as continued in the Retroceded Area by the Retrocession (Application of Laws) Act, 1947, and in the case of an order affecting an individual, corporation or firm elsewhere in Mysore serve or cause the order to be served in the manner provided for the service of a summons in rule 2 of Order XXIX or rule 3 of Order XXX as the case may be in the First Schedule to the Code of Civil Procedure, 1911; and

(*c*) in the case of an order affecting an individual person (not being a corporation or firm) serve or cause the order to be served on that person :—

(i) personally, by delivering or tendering to him the order, or

(ii) by post, or

(iii) where the person cannot be found, by leaving an authentic copy of the order with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

(2) If in the course of any judicial proceedings, a question arises whether a person was duly informed of an order made in pursuance of any provision of this Act, compliance with sub-section (1) shall be conclusive proof that he was so informed, but a failure to comply with sub-section (1) :—

(i) shall not preclude proof by other means that he had information of the order ; and

(ii) shall not affect the validity of the order.

(3) Any police officer, and any other person authorised by the Government or the District Magistrate in this behalf may, for any purpose connected with the public safety, the maintenance of public order, maintaining supplies and services essential to the life of the community or for carrying out the provisions of this Act affix any notice to, or cause any notice to be displayed on, any premises, vehicle or vessel, and may for the purpose of exercising the power conferred by this section enter any premises, vehicle or vessel at any time.

(4) Any person authorised by the Government or the District Magistrate in this behalf may, for any purpose mentioned in sub-section (3), by order direct the owner or other person in possession or control of any premises, vehicle or vessel to display any notice on, or in, the premises, vehicle or vessel in such manner as may be specified in the order.

(5) If any person without lawful authority removes, alters, defaces, obliterates or in any way tampers with any notice affixed or displayed in pursuance of the provisions

of this Act, or contravenes any order under sub-section (4), he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

Offences under this Act to be cognizable and non-bailable.

27. Notwithstanding anything contained in the Code of Criminal Procedure, any offence punishable under this Act shall be cognizable and non-bailable.

Special provisions regarding bail.

28. Notwithstanding anything contained in the Code of Criminal Procedure, no person accused or convicted of a contravention of any of the provisions of this Act or of any order made thereunder shall, if in custody, be released on bail or on his own bond unless:—

(*a*) the prosecution has been given an opportunity to oppose the application for such release, and

(*b*) where the prosecution opposes the application and the contravention is of any such provision of this Act or of any order made thereunder as the Government may by general order specify in this behalf, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such contravention.

Attempts, etc., to contravene the Act.

29. Any person who attempts to contravene, or abets or attempts to abet, or does any act preparatory to a contravention of any of the provisions of this Act or of any order made thereunder shall be deemed to have contravened that provision, or as the case may be, that order.

Offences by Corporations.

30. If the person contravening any of the provisions of this Act or of any order made thereunder is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Assisting offenders.

31. Any person who knowing or having reasonable cause to believe that any other person has contravened any of the provisions of this Act, or of any order made thereunder, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall be deemed to have abetted that contravention.

Power to issue searc warrants.

32. The power to issue search warrants conferred by Section 98 of the Code of Criminal Procedure shall be deemed to include the power to issue warrants for :—

(*a*) the search of any place in which any magistrate mentioned in that section has reason to believe that any offence under this Act or any act prejudicial to the public safety or the maintenance of public order has been, is being or is about to be committed, or that preparation for the commission of any such offence or act is being made ;

(*b*) the seizure in or on any place searched under clause (*a*) of anything which the officer executing the warrant has reason to believe is being used or is intended to be used for any purpose mentioned in that clause ;

and the provisions of the Code of Criminal Procedure shall, so far as may be, apply to searches made under the authority of any warrant issued and to the disposal of any property seized under this section.

Power to give effect to orders, etc.

33. (1) Any authority, officer or person who is empowered by or in pursuance of this Act to make any order, or to exercise any other power may, in addition to any other action prescribed by or under this Act, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of such order, or for the effective exercise of such power.

(2) Where in respect of any of the provisions of this Act there is no authority, officer or person empowered to take action under sub-section (1), the Government or District Magistrate may take or cause to be taken, such steps and use, or cause to be used, such force as may in the opinion of the Government or the District Magistrate be reasonably necessary for securing compliance with or for preventing or rectifying any breach of such provision.

(3) For the avoidance of doubts it is hereby declared that the power to take steps under sub-section (1) or under sub-section (2) includes the power to enter upon any land or other property whatsoever.

Protection of action taken under this Act.

34. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act, or of any order made thereunder.

Operation of other penal Acts not barred.

35. Nothing contained in this Act shall be deemed to prevent any person from being prosecuted under any other Act for any act or omission which constitutes an offence punishable under this Act.

Savings as to orders.

36. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by such authority.

Repeal.

37. The Bangalore Special Powers Law, 1947, continued by the Retrocession (Application of Laws) Act, 1947, is hereby repealed.

K. CHENGALARAYA REDDY,

Chief Minister, in charge of the duties of the Dewan.

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